

South Carolina Cable Television Association

Comments to South Carolina Code of State Regulations
Chapter 103, Article 6 – Telecommunications Utilities
May 21, 2021 Workshop

Docket No. 2020-247-A

Overview

- State ETC regulations play a pivotal role in facilitating the rapid deployment of USF-supported voice and broadband services.
- For providers that operate in multiple states, like SCCTA members, ensuring that state ETC regulations are largely consistent with current FCC ETC regulations is critical to reducing the administrative burden of being subject to a patchwork of regulations from many different regulatory regimes.
- Current state ETC regulations largely tracked related FCC ETC regulations at the time of their adoption.
- Technologies and circumstances have changed, however, since Rules 103-690 and 103-690.1 were added to the body of Article 6 approximately 13 years ago, and FCC regulations governing ETC designation and reporting requirements have evolved to match these new realities.
- The comments offered by SCCTA are respectfully provided in an effort to align state ETC regulations more closely with current FCC regulations, technologies, and circumstances applicable to ETCs.

Proposed Revisions to ETC Regulations

| Citation | Subject Matter | Comment | Revision |
|---|-----------------------------------|---|---|
| R. 103-690.B.5 et seq | Link-up Service | The FCC eliminated Link-up Service service on non-Tribal lands for all ETCs. | Delete all references to “Link-up Service” in R. 103-690 and 103-690.1. |
| R. 103-690.C.(a)(1)(B) R. 103-690.1.B.(b)(1) | Two-year service improvement plan | The FCC waived service improvement plans for CAF Phase II and RDOF participants. | Delete two-year service plan requirement and related service plan progress annual report. |
| R. 103-690.C.(a)(5) R. 103-690.1.B(b)(8) | Equal access certification | Equal access is no longer a requirement under the FCC’s universal service rules. | Delete equal access certification requirement and related annual certification reporting requirement. |
| R. 103-690.C.(b) | Public interest | State regulations track former 47 C.F.R. 54.202. The FCC subsequently simplified the language under the public interest requirement. State ETC regulations should be similarly revised. | See following slide detailing proposed underline and strike-through revisions. |

R. 103-690.C.(b)

(b) Public Interest Standard. Prior to designating an eligible telecommunications carrier pursuant to 47 U.S.C. Section 214(e)(2), the commission must determine that such designation is in the public interest. ~~In doing so, the commission shall consider, inter alia, the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering. In instances where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company, the commission shall also conduct a creamskimming analysis that includes, but is not limited to, comparing the population density of each wire center in which the eligible telecommunications carrier applicant seeks designation against that of the wire centers in the study area in which the eligible telecommunications carrier applicant does not seek designation.~~ The commission shall ~~not~~ designate a service area to an ETC consistent with the geographical area(s) for which the carrier shall receive support from federal universal service support mechanisms, whether at the wire center-level, census block or partial census block-level, or otherwise. ~~that is smaller than an entire wire center.~~

- R. 103-690(b) tracks *former* 47 C.F.R. 54.202. The FCC has revised 47 C.F.R. 54.202, which now reads at subsection (b): “Prior to designating an eligible telecommunications carrier pursuant to section 214(e)(6), the Commission determines that such designation is in the public interest.” SCCTA’s proposed revision is consistent with current FCC regulations.
- Federal universal service support often is not awarded with regard to wire centers. The proposed revisions to the last sentence of subsection (b) reflects this reality. The proposed revision also fits with the FCC’s definition of services area that ties ETC service areas to the geographical areas of universal service support. *See* 47 C.F.R. 54.207 (“The term service area means a geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms. A service area defines the overall area for which the carrier shall receive support from federal universal service support mechanisms”).

Proposed Revisions to ETC Regulations

| Citation | Subject Matter | Comment | Revision |
|-----------------------|------------------------------|--|---|
| R. 103-690.1.B.(b)(2) | Annual outage report | The FCC no longer requires annual outage reports by ETCs because this data is collected from all facilities-based providers in the Network Outage Reporting System. State agencies can apply for access to NORS. | Delete annual outage report requirement. |
| R. 103-690.1.B.(b)(3) | Unfulfilled service requests | The FCC eliminated the unfulfilled service request reporting requirement for ETCs. The FCC used the requirement to track deployment of supported services, but technologies have evolved to permit the FCC to monitor exact locations where an ETC built-out network the prior year. | Delete unfulfilled service request reporting requirement. |
| R. 103-690.1.E.(a)(4) | Lifeline annual verification | Since October 2019, Lifeline subscriber eligibility and annual recertification in South Carolina have been performed by USAC's National Verifier. | Delete annual Lifeline verification requirement. |

Concluding Comments